

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

**ZACKERY D. LEWIS by his next friends;  
RICHARD YOUNG; LYNN G. HAINER,  
Administratrix of the Estate of ADDIE  
SMITH; SUSAN W. COLEMAN; KATHY A.  
BURGER; TRACY PALMER; KENNY  
ATKINSON by his next friend; BERNICE  
TATE by her next friend; MARY WAGNER;  
MICHAEL BIDZILYA by his next friend;  
WILLIAM ALGAR by his next friend;  
ANTHONY GALE by his next friends; THE  
ARC COMMUNITY TRUST OF  
PENNSYLVANIA; and THE FAMILY  
TRUST, on their own behalf and on behalf of  
all other persons similarly situated,  
Plaintiffs,**

**v.**

**GARY ALEXANDER, in her official capacity  
as Secretary of the Department of Public  
Welfare of the Commonwealth of  
Pennsylvania; ERIC ROLLINS, in her official  
capacity as Executive Director of the Erie  
County Assistance Office,  
Defendants.**

**Defendants.**

**CIVIL ACTION  
NO. 06-3963**

**ORDER**

**AND NOW**, this 22nd day of August, 2011, upon consideration of plaintiffs' Motion for Class Certification (Document No. 13, filed February 13, 2007); Defendants' Opposition to Motion to Class Certification (Document No. 29, filed March 22, 2008); Plaintiff's Reply to Defendants' Opposition (Document No. 40, filed May 14, 2008); and Defendants' Sur Reply (Doc. No. 44, filed June 12, 2008), for the reasons set forth in the attached Memorandum dated August 22, 2011, **IT IS ORDERED** as follows:

1. Plaintiffs' Motion for Class Certification (Document No. 13) is **GRANTED**;
2. The Court **CERTIFIES** the following plaintiff class pursuant to Fed. R. Civ. P. 23(b)(2):

All disabled individuals who are, or who will become, eligible for Medical Assistance and for whom pooled special needs trust accounts that comply in all respects with the federal Medicaid Act were established on or after January 1, 2000, or will be established in the future, but who have been or will be denied Medical Assistance, or who are subject to termination of their Medical Assistance benefits, as a result of the application of Section 1414, as well as trustees of pooled special needs trusts holding such accounts and other persons acting in a representative capacity on behalf of such disabled individuals;
3. All of plaintiffs' claims, including their challenges to Section 1414 and their request for declaratory and injunctive relief, are subject to class treatment;
4. Plaintiffs Richard Young, Susan W. Coleman, and the ARC Community Trust of Pennsylvania are **APPOINTED** as class representatives; and
5. Stephen Feldman and Karen Guss are **APPOINTED** as counsel for the class pursuant to Fed. R. Civ. P. 23(g).

**BY THE COURT:**

\_\_\_\_/s/ Hon. Jan E. DuBois\_\_\_\_\_  
**JAN E. DUBOIS, J.**